



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/785,237	02/20/2001	Werner Blumenstock	Q63062	4413

7590 12/08/2004

SUGHRUE, MION, ZINN, MACPEAK & SEAS, PLLC
2100 PENNSYLVANIA AVENUE, N.W.
WASHINGTON, DC 20037-3213

EXAMINER

BOUTAH, ALINA A

ART UNIT	PAPER NUMBER
----------	--------------

2143

DATE MAILED: 12/08/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/785,237

Applicant(s)

BLUMENSTOCK, WERNER

Examiner

Alina N Boutah

Art Unit

2143

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 September 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-25 is/are pending in the application.
- 4a) Of the above claim(s) 12-25 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-11 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 20 February 2001 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Election/Restrictions

Applicant's election without traverse of Group A, consisting of claims 1-11 in the reply filed on September 16, 2004 is acknowledged.

Specification

The use of the trademark Microsoft Exchange™ has been noted in this application. It should be capitalized wherever it appears and be accompanied by the generic terminology.

Although the use of trademarks is permissible in patent applications, the proprietary nature of the marks should be respected and every effort made to prevent their use in any manner which might adversely affect their validity as trademarks.

Drawings

The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they do not include the following reference sign(s) mentioned in the description:

“reference field 12.”

The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they include the following reference character(s) not mentioned in the description:

“intranet/internet 20” in figure 1.

Corrected drawing sheets in compliance with 37 CFR 1.121(d), or amendment to the specification to add the reference character(s) in the description in compliance with

Art Unit: 2143

37 CFR 1.121(b) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-11 are rejected under 35 U.S.C. 102(b) as being anticipated by USPN 5,715,393 issued to Naugle.

Regarding claim 1, Naugle teaches a system operable to generate a message related to a control unit of an automation system, the system comprising:

a data transmission system in communication with the control unit and in further communication with a receiving device (figure 2),

wherein the message is an e-mail message and the data transmission system is an Intranet and/or the Internet and the control unit comprises means for generating the

Art Unit: 2143

message for a specific receiving device addressable with a pre-defined address and wherein further the message has an address field to identify a recipient of the corresponding message, and the receiving device has means to receive the message sent by the control unit and automatically respond to the message (figure 2; abstract; example of status email message on col. 4, line 38 to col. 5, line 22).

Regarding claim 2, Naugle teaches the system as claimed in claim 1, wherein the message has an identification field for inserting a message identification that is individually assigned to each message and the control unit comprises means to receive an acknowledgment returned by the receiving device which is intended for the control unit, said acknowledgment comprising the identification associated with the message as an acknowledgment identification, and the control unit further comprising means to compare the acknowledgment identification contained in acknowledgment with the message identification contained in the transmitted message (example of status email message on col. 4, line 38 to col. 5, line 22).

Regarding claim 3, Naugle teaches a system as claimed in claim 2, wherein the control unit further comprises means for marking the message as acknowledged if the means to compare determines that the control unit has received an acknowledgment with the message identification assigned to the associated transmitted message (example of status email message on col. 4, line 38 to col. 5, line 22).

Art Unit: 2143

Regarding claim 4, Naugle teaches a system as claimed in claim 1, wherein the control unit is a stored-program control unit (abstract).

Regarding claim 5, Naugle teaches a control unit of an automation system comprising a transmitting device operable to generate and transmit an alarm or fault message of the automation system, via a data transmission system, to a receiving device capable of being linked to said data transmission system, wherein the transmitting device comprises means to generate the message as an e-mail message directed through the data transmission system embodied as an Intranet and/or the Internet, wherein the message comprises an address field to identify a recipient of the corresponding message (figure 2; abstract; col. 1, lines 35-50; example of status email message on col. 4, line 38 to col. 5, line 22).

Regarding claim 6, Naugle teaches a control unit as claimed in claim 5, wherein said control unit is a stored-program control unit (abstract).

Regarding claim 7, Naugle teaches a control unit as claimed in claim 5, wherein the message comprises an identification field for a message identification individually assigned to each message, the control unit further comprising; means to receive an acknowledgment returned by the receiving device to the control unit, said acknowledgment comprising the identification associated with the underlying message as the acknowledgment identification, and means to compare the identification contained in

Art Unit: 2143

the acknowledgment with the identification contained in the transmitted message (example of status email message on col. 4, line 38 to col. 5, line 22).

Regarding claim 8, Naugle teaches a method for producing a message of a control unit of an automation system, the method comprising: sending the message via a data system to a receiving device capable of being linked to the data system, wherein the message is an e-mail message transmitted via an Intranet and/or the Internet to a predetermined receiving device (figure 2).

Regarding claim 9, Naugle teaches the method as claimed in claim 8, wherein the control unit enters a message identification individually assigned to each message into an identification field of the message and the receiving device, after receipt of a message, automatically generates and returns an acknowledgment to the control unit, wherein said acknowledgment contains the identification associated with the underlying message as the acknowledgment identification, and the control unit compares the acknowledgment identification contained in the acknowledgment with the message identification contained in the transmitted message (example of status email message on col. 4, line 38 to col. 5, line 22).

Regarding claim 10, Naugle teaches the method as claimed in claim 7, wherein receipt of a message is confirmed in the control unit if the control unit received an acknowledgment with the message identification assigned to the associated message (example of status email message on col. 4, line 38 to col. 5, line 22).

Art Unit: 2143

Regarding claim 11, Naugle teaches the method as claimed in claim 7, wherein the method is used to generate a fault and/or alarm message of a stored-program control unit, a numerical control unit and/or a robot control unit in connection with an automation system (col. 1, lines 35-50).

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

1. US 6065136 issued to Kuwabara.
2. US 5479408 issued to Will.
3. US 6134432 issued to Holmes et al.
4. US 6049698 issued to Capers et al.
5. US 6237034 issued to Fulford.
6. US 6230156 issued to Hussey.
7. US 6510454 issued to Walukiewicz.
8. US 6108688 issued to Nielsen.
9. US 6167435 issued to Druckenmiller et al.
10. US 6421707 issued to Miller et al.
11. US 6434603 issued to Tsuji et al.
12. US 6460073 issued to Asakura.

Art Unit: 2143

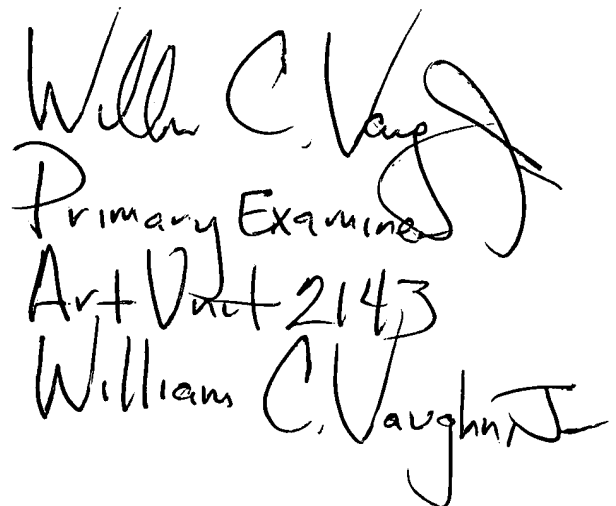
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alina N Boutah whose telephone number is 571-272-3908. The examiner can normally be reached on Monday-Thursday (9:00 am - 7:00 pm).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David A Wiley can be reached on 571-272-3923. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



ANB



William C. Vaughn
Primary Examiner
Art Unit 2143
William C. Vaughn